

07-05-01

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# UTILITY PATENT APPLICATION TRANSMITTAL (Small Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
18810-82302Total Pages in this Submission  
141**TO THE ASSISTANT COMMISSIONER FOR PATENTS**Box Patent Application  
Washington, D.C. 20231

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

**GENETIC TEST TO DETERMINE NON-RESPONSIVENESS TO STATIN DRUG TREATMENT**

and invented by:

Kent D. Taylor, Maren T. Scheuner, Jerome I. Rotter, and Huiying Yang

If a **CONTINUATION APPLICATION**, check appropriate box and supply the requisite information:
 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: 03/347,114

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Which is a:

 Continuation    Divisional    Continuation-in-part (CIP)   of prior application No.: \_\_\_\_\_

Enclosed are:

**Application Elements**

1.  Filing fee as calculated and transmitted as described below
2.  Specification having 50 pages and including the following:
  - a.  Descriptive Title of the Invention
  - b.  Cross References to Related Applications (*if applicable*)
  - c.  Statement Regarding Federally-sponsored Research/Development (*if applicable*)
  - d.  Reference to Microfiche Appendix (*if applicable*)
  - e.  Background of the Invention
  - f.  Brief Summary of the Invention
  - g.  Brief Description of the Drawings (*if drawings filed*)
  - h.  Detailed Description
  - i.  Claim(s) as Classified Below
  - j.  Abstract of the Disclosure

The PTO did not receive the following listed item(s) a disket

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## Application Elements (Continued)

3.  Drawing(s) (when necessary as prescribed by 35 USC 113)  
a.  Formal      b.  Informal      Number of Sheets \_\_\_\_\_ 2
4.  Oath or Declaration
  - a.  Newly executed (*original or copy*)       Unexecuted
  - b.  Copy from a prior application (37 CFR 1.63(d)) (*for continuation/divisional application only*)
  - c.  With Power of Attorney       Without Power of Attorney
  - d.  **DELETION OF INVENTOR(S)**  
Signed statement attached deleting inventor(s) named in the prior application,  
see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5.  Incorporation By Reference (*usable if Box 4b is checked*)  
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6.  Computer Program in Microfiche
7.  Genetic Sequence Submission (*if applicable, all must be included*)
  - a.  Paper Copy
  - b.  Computer Readable Copy
  - c.  Statement Verifying Identical Paper and Computer Readable Copy

## Accompanying Application Parts

8.  Assignment Papers (*cover sheet & documents*)
9.  37 CFR 3.73(b) Statement (*when there is an assignee*)
10.  English Translation Document (*if applicable*)
11.  Information Disclosure Statement/PTO-1449       Copies of IDS Citations
12.  Preliminary Amendment
13.  Acknowledgment postcard
14.  Certificate of Mailing  
 First Class     Express Mail (*Specify Label No.:*) EL 900688394 US

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## Accompanying Application Parts (Continued)

15.  Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16.  Small Entity Statement(s) - Specify Number of Statements Submitted: 1
17.  Additional Enclosures (*please identify below*):

**Revocation of Prior Powers and New Power of Attorney**

## Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18.  Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

### **Warning**

**An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.**

**UTILITY PATENT APPLICATION TRANSMITTAL**  
**(Small Entity)**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.  
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Total Pages in this Submission  
 141

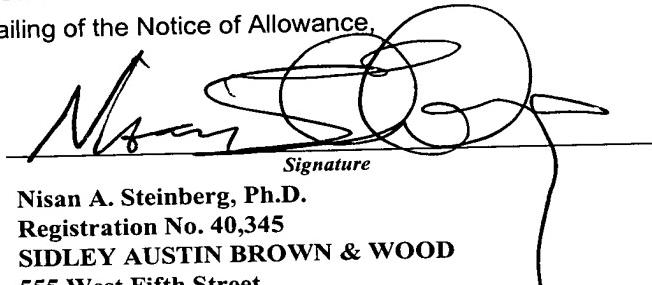
**Fee Calculation and Transmittal**

**CLAIMS AS FILED**

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	18	- 20 =	0	x \$9.00	\$0.00
Indep. Claims	18	- 3 =	15	x \$40.00	\$600.00
Multiple Dependent Claims (check if applicable)	<input type="checkbox"/>				\$0.00
				<b>BASIC FEE</b>	<b>\$355.00</b>
OTHER FEE (specify purpose)					\$0.00
				<b>TOTAL FILING FEE</b>	<b>\$955.00</b>

- A check in the amount of \_\_\_\_\_ to cover the filing fee is enclosed.
- The Commissioner is hereby authorized to charge and credit Deposit Account No. 50-1597 as described below. A duplicate copy of this sheet is enclosed.
- Charge the amount of \$955.00 as filing fee.
  - Credit any overpayment.
  - Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
  - Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Dated: July 3, 2001



Signature

Nisan A. Steinberg, Ph.D.  
 Registration No. 40,345  
 SIDLEY AUSTIN BROWN & WOOD  
 555 West Fifth Street  
 Los Angeles, CA 90013-1010  
 Ofc: 213/896-6665  
 Fax: 213/896-6600

cc:

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Kent D. Taylor et al.

Docket No.

P07 41878

Serial No. <b>UNASSIGNED</b>	Filing Date <b>HEREWITH</b>	Examiner ---	Group Art Unit -----
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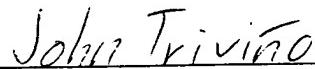
Invention:

**GENETIC TEST TO DETERMINE NON-RESPONSIVENESS TO STATIN DRUG TREATMENT**

I hereby certify that this **Certificate Under 37 C.F.R. 3.73(b) Establishing Right to Assignee to Prosecute**  
*(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under  
37 CFR 1.10 in an envelope addressed to: The Assistant Commissioner for Patents, Washington, D.C. 20231 on  
**JULY 2, 1999**

*(Date)*



*(Typed or Printed Name of Person Mailing Correspondence)*



*(Signature of Person Mailing Correspondence)*

**EL 349 964 198 US**

*("Express Mail" Mailing Label Number)*

**Note: Each paper must have its own certificate of mailing.**

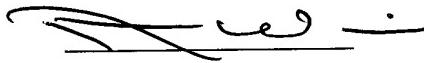
## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Taylor *et al.* Art Unit: Unassigned  
 Serial No.: Unassigned Examiner: Unassigned  
 Filed: July 3, 2001  
 For: **GENETIC TEST TO DETERMINE NON-RESPONSIVENESS TO STATIN DRUG  
TREATMENT**

## TRANSMITTAL OF FORMAL DRAWINGS

## CERTIFICATE OF EXPRESS MAILING

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE AND LABEL INDICATED BELOW AND IS ADDRESSED TO BOX PATENT APPLICATION, THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D. C. 20231--

JULY 3, 2001 EL 900688394 US

Date of Deposit and Signature

Ann Weiss

Express Label No.

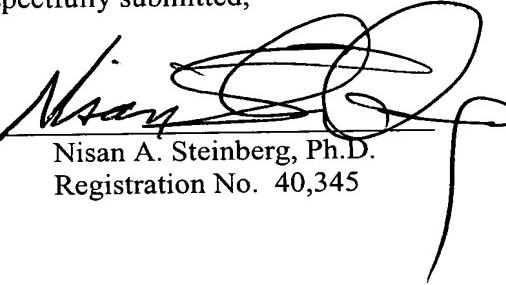
**BOX PATENT APPLICATION**  
 Assistant Commissioner for Patents  
 Washington, D. C. 20231

Dear Sir or Madam:

Transmitted herewith for filing in the above-identified application are two (2) sheets of formal drawing.

Respectfully submitted,

By:

  
 Nisan A. Steinberg, Ph.D.  
 Registration No. 40,345
 

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